

## **TOWN BOARD**

The Town Board, Town of Highlands, held two public hearings and a meeting on Monday, October 28, 2013 at Town Hall, 254 Main St, Highland Falls at 7:00pm.

PRESENT:	Mervin R. Livsey	----	Supervisor
	William Edsall	----	Council Member
	James Stradley	----	Council Member
	June Gunza	----	Council Member
	Holly Gokey	----	Council Member
	Justin Rider	----	Counsel
	June Patterson	----	Town Clerk

Supervisor Livsey opened the meeting at 7:00pm.

### **PUBLIC HEARING – ZBA MEMBERSHIP**

Council Member Gokey made a motion seconded by Council Member Gunza to open the public hearing at 7:02pm.

Supervisor Livsey read the Notice of Public Hearing and explained that this public hearing is for the purpose of reducing the ZBA membership from 7 to 5 years.

Mr. Rider said this would also change the term length to 5 years.

### **Public Comment:**

None.

Council Member Gokey made a motion seconded by Council Member Stradley to close the public hearing. Public hearing closed at 7:06pm.

### **PUBLIC HEARING – TOWN HALL REPAIR RESERVE FUND EXPENDITURE**

Council Member Stradley made a motion seconded by Council Member Gunza to open the public hearing. Public hearing opened at 7:07pm.

Supervisor Livsey said this public hearing is to authorize spending up to \$5,000 from the Town Hall Repair Reserve Fund for the repair and painting of the windows.

**Public Comment:**

None.

Council Member Edsall made a motion seconded by Council Member Gokey to close the public hearing. Public hearing closed at 7:10pm.

**REGULAR MEETING**

**PUBLIC COMMENT**

Ray Devereaux asked why the executive session was being held before the next public comment.

Supervisor Livsey said this was being done because something in the executive session may be relevant to the open meeting.

**MINUTES**

Council Member Gunza made a motion seconded by Council Member Gokey to approve the minutes from the September 23 meeting.

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

Council Member Gunza made a motion seconded by Council Member Gokey to approve the minutes from the October 7 meeting.

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

Council Member Edsall made a motion seconded by Council Member Stradley to approve the minutes from the October 12 meeting.

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

**COMMUNICATIONS**

Supervisor Livsey said he received a letter from Holy Angels cancelling their Zombie Fun Run until April 2014.

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Supervisor Livsey received a letter from the President of the Highland Falls Fire Dept. thanking the Town for their support during the OCVFA Parade and Convention. The Supervisor said Dial-A-Bus was also thanked.

Supervisor Livsey received a letter from American Legion Commander Zabrowski inviting the Town to the ceremony on Veteran's Day at the Highland Falls Fire House.

Supervisor Livsey received notification that the 36<sup>th</sup> Annual Volunteer Recognition Luncheon will be held on November 15 at 11:30am.

Supervisor Livsey received a letter from Ray Hall asking to be appointed to the Board of Assessment Review. The Supervisor has also received a letter from Frank Cassano asking to be re-appointed to that Board.

## **FINANCIAL**

### **Court Petty Cash Audit:**

Supervisor Livsey said Ms. Blauvelt has informed him that she has audited the Court petty cash.

Ms. Blauvelt said the Office of Court Administration asks that the Town Board recognize that this audit was done. Ms. Blauvelt said she did the audit in February.

### **Budget Transfers:**

Council Member Edsall made a motion seconded by Council Member Stradley to approve the transfer of \$350 from Highway Seminars to Highway Communications.

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

Council Member Edsall made a motion seconded by Council Member Gunza to approve the transfer of \$80 from Highway –Other to Highway- Postage.

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

Council Member Gunza made a motion seconded by Council Member Gokey to approve the transfer of \$250 from Vehicle Maintenance to Contracted Services (Dial-A-Bus).

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

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Council Member Gunza made a motion seconded by Council Member Stradley to approve the transfer of \$2,850 from Police-Personal Services Clerical to Police-Communication Expenses Cell Phone.

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

Council Member Edsall made a motion seconded by Council Member Gokey to approve the transfer of \$2,000 from Recreation Revenue to Expenses Reimbursed by Parents.

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

### **Resolution – Relevy 2012/2013 Water Charges:**

Council Member Gokey made a motion seconded by Council Member Edsall to adopt the resolution to relevy the 2012 and 2013 Water Charges.

**RESOLUTION ADOPTED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

**\*\*\*\*RESOLUTION ATTACHED\*\*\*\***

## **BOARD REPORTS**

### **Council Member Gokey:**

Council Member Gokey said that everything has been quiet.

Council Member Gokey said IT is running smoothly.

Council Member Edsall asked Ms. Gokey if anything had been done with signage.

Council Member Gokey said she needs to ask Mr. Hager to run a report, but she knows some violations need to be addressed.

Council Member Gokey said the Assessor's Office has been quiet.

### **Council Member Gunza:**

Council Member Gunza reported that the Ambulance Corps did a fantastic job with the Fall Foliage Festival. Ms. Gunza said the Town Police had two (2) booths and the Dog Control Officers had a booth.

Chief Quinn said this was his first year participating and it was a great day. The Chief said he did Identification Kits for the children and handed out new bicycle helmets that were donated by Steven Lam.

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Chief Quinn reported that there was a serious accident on 9W in the morning and everyone did a great job. The Chief also said that Officer Erichsen, while on patrol, smelled smoke and investigated which helped save a Fort Montgomery resident's home.

### **Council Member Stradley:**

Council Member Stradley said the Highway Department is getting ready for the winter and doing leaf clean-up.

Council Member Stradley reported that the Dial-A-Bus had a minor accident recently.

Council Member Stradley said Recreation is quiet.

### **Council Member Edsall:**

Council Member Edsall said the Sewer Plant had their DEC inspection and it went well.

Council Member Edsall said Scenic Hudson reported that the contract for the Fort Marina has been awarded. Mr. Edsall also said that on Saturday the Friends of Mine Dock had a meeting at the Marina and after the meeting, DEC planted trees. Mr. Edsall said they will be having two (2) meetings in November to get their by-laws done.

Council Member Edsall said he called Verizon about the poles, but has not heard anything back so he has asked Ms. Tautel, Assemblyman Skoukfis' Chief of Staff to look into it.

Ms. Tautel said she made a call, but has not gotten a response yet.

Council Member Edsall suggested asking Counsel to advise the Town on the next step.

Council Member Edsall thanked the Police and Ambulance for coming to his residence recently.

Ms. Edsall thanked the departments also, saying everyone was professional and calming during a tense situation.

Supervisor Livsey said the Police and Ambulance employees are a great group.

## **SUPERVISOR'S REPORT**

Supervisor Livsey thanked Pastor Snively for hosting a service recently recognizing all the local Fire, Police and Ambulance personnel.

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Supervisor Livsey reported that on November 4, the Town Board will hold several public hearings for the 2014 Budget and Special Districts. The Supervisor advised anyone with water or sewer district questions to call himself or Ms. Blauvelt at the Town Hall. The Supervisor said that the public hearings are open to the public.

Supervisor Livsey said the old police car is still for sale and he would like to lower the price to \$3,000.

Council Member Gokey said she would like to see it advertised someplace other than Channel 23 like possibly Auctions International.

Supervisor Livsey said he would get with Mr. Squicciarini and the Town Clerk to look into that.

Supervisor Livsey said the Town is doing its best with the Water District and more and more people are signing up. The Supervisor said it looks like the Town might be able to take over Corbin Hill water and he believes that this is a great opportunity.

Mr. Rider said there are some engineering reasons why this would be beneficial.

Supervisor Livsey reminded everyone that Highway Supt. Squicciarini is leaving at the end of the year and asked the Town Clerk to advertise for this position.

Supervisor Livsey brought up the idea of establishing a Department of Public Works.

Mr. Rider said he can provide the Board with a brief memo on this.

Supervisor Livsey reported that on November 4, the Town Board will hold two (2) public hearings, November 11 is a holiday so the Town Board will hold their meeting on November 18, and it will be the last meeting before the Budget is adopted.

Council Member Edsall made a motion seconded by Council Member Stradley to change the Town Board meeting to November 18.

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

Mr. Magryta asked the Supervisor if he could adapt the time of the Town Board meeting on November 4 so residents can attend both the Village and Town meetings.

Supervisor Livsey said he would ask Mayor Flynn if the Town can air their meeting.

**UNFINISHED BUSINESS**

**2014 Budget:**

Supervisor Livsey said a couple of changes have been made to the preliminary budget. The Supervisor said an additional \$20,000 has been put in the Ambulance Reserve Fund for a new ambulance; Sales Tax revenue has gone up; and Ms. Blauvelt suggested setting up an Accrued Employee Benefit Reserve Fund to enable the Town to pay employees their vacation time when they retire.

**ZBA Membership:**

Council Member Gokey made a motion seconded by Council Member Edsall to adopt the resolution amending Chapter 210 of the Zoning Code which will reduce the Zoning Board membership to 5 members and the reduce the term length to 5 years.

**RESOLUTION ADOPTED:      5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
   0-nays**

**\*\*\*\*RESOLUTION ATTACHED\*\*\*\***

Supervisor Livsey said the Orange County Planning informed him that this action is a local determination only.

**Town Hall Repair Expenditure:**

Council Member Edsall made a motion seconded by Council Member Stradley to adopt the resolution authorizing the expenditure from the Town Hall Repair Reserve Fund for window painting and repairs.

**RESOLUTION ADOPTED:      5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
   0-nays**

**\*\*\*\*RESOLUTION ATTACHED\*\*\*\***

Supervisor Livsey said the last thing that needs to be done to prevent flooding in the basement is to put up an awning outside the basement door. The Supervisor has a quote from Awnings FX for \$2,225 and he would like to take the money from the Town Hall Reserve Fund.

Council Member Gokey said she would like to see a couple other proposals.

Council Member Edsall said he would like to get the ball rolling.

Supervisor Livsey said the Board can set an amount and schedule a public hearing.

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Mr. Rider said the amount can be not to exceed \$2,000 and the public hearing will be on November 18.

Supervisor Livsey asked the Town Clerk to contact local contractors for this job.

### **EXECUTIVE SESSION**

Council Member Stradley made a motion seconded by Council Member Edsall to go into executive session to discuss Highway personnel and Police personnel issues. Board went into executive session at 7:45pm. Supervisor Livsey said the meeting will be re-opened after the executive session.

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

Council Member Edsall made a motion seconded by Council Member Gokey to close the executive session. Executive session closed at 8:15pm.

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

Supervisor Livsey explained that a Highway disciplinary issue was discussed in executive session and the matter has been turned over to Counsel

### **PUBLIC COMMENT**

Joe Miller questioned the Board about the fill from the water project.

Supervisor Livsey informed Mr. Miller that he had already answered his question on this at the last meeting.

Frank Lilos asked where the Town stood on the opening of Mine Road.

Supervisor Livsey said he has not gotten anywhere. The Supervisor explained that he was supposed to meet with the Superintendent of West Point today, but he cancelled.

Mr. Lilos asked what was happening with the lot next to the Supervisor's restaurant.

Council Member Edsall stated that the Supervisor has recused himself from anything having to do with the lot and that Counsel and the other Board members will be discussing this.



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Supervisor Livsey said he tried to buy that lot years ago. The Supervisor said it might be beneficial for it to be a municipal parking since there is no municipal lots in Fort Montgomery. The Supervisor stated that the decision about the lot will be up to the other Board members.

Capt. Stroppel commended the Town Officer who smelled smoke and investigated and found a structure fire. Capt. Stroppel said they have been very busy and they are very close to breaking the record for the year.

Ray Devereaux asked about the signage at Mine Dock Park and 9W.

Council Member Edsall said the signage is in the process of being approved and Mr. Hager has sent letters to a number of properties. Mr. Edsall believes it is time to go to the next step and he would like Council Member Gokey to follow up on this.

Supervisor Livsey agreed that it is time to move forward on the violations.

Mr. Magryta brought up the issue of fill from the Water project being given to residents and asked if anyone signed a release and/or if the soil was tested.

Supervisor Livsey stated that he didn't know if the soil was tested and the fill was brought to the cemetery which is Town property.

Mr. Magryta asked if they would have been made to sign a release.

Supervisor Livsey said he would speak to Mr. Squicciarini.

## ADJOURN

Council Member Gokey made a motion seconded by Council Member Stradley to adjourn the meeting. Meeting adjourned at 8:40pm.

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)**  
**0-nays**

**RESOLUTION  
OF  
OCTOBER 28, 2013**

**RESOLUTION TO RELEVY 2012 and 2013 WATER CHARGES**

**WHEREAS**, the Town of Highlands levied a Water Charge for 2012 and 2013 payable semi-annually in January and July 2012 and 2013, respectively.

**WHEREAS**, certain said charges remain unpaid although the time for their payment has passed.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Highlands Town Board requests the Orange County Legislature relevy and include within its Warrant to the Receiver of Taxes of the Town of Highlands for the County and Town Taxes, the 2012 and 2013 unpaid water charges of the Town of Highlands Water District #1 and the Town of Highlands Water District #2 as set forth in the list annexed hereto and certified as true and correct.

The question of the adoption of the foregoing resolution was duly put to a vote which resulted as follows:

William Edsall, Council Member	voting: <b>Aye</b>
Holly Gokey, Council Member	voting: <b>Aye</b>
June Gunza, Council Member	voting: <b>Aye</b>
James Stradley, Council Member	voting: <b>Aye</b>
Mervin R. Livsey, Supervisor	voting: <b>Aye</b>

The foregoing constitutes a true and complete copy of a resolution duly made, seconded and adopted at a workshop of the Town Board, Town of Highlands, on October 28, 2013.

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June Patterson, Town Clerk

RESOLUTION

OF

OCTOBER 28, 2013

A RESOLUTION TO ADOPT  
A LOCAL LAW AMENDING SECTION 210-43A  
OF CHAPTER 210 ENTITLED "ZONING"  
OF THE CODE OF THE TOWN OF HIGHLANDS:  
BOARD OF APPEALS

Council Member **Gunza** moved the following resolution which was seconded by Council Member.

**WHEREAS**, the Town Board of the Town of Highlands adopted a resolution on the 9<sup>th</sup> day of September, 2013, as amended on the 23<sup>rd</sup> of September, ordering a public hearing to be held on the 28<sup>th</sup> day of October, 2013, at 7:00 o'clock p.m., prevailing time, to hear all interested parties on proposed Introductory Local Law #4 of the Year 2013 entitled "A Local Law Amending Section 210-43A of Chapter 210 entitled 'Zoning' of the Code of the Town of Highlands: Board of Appeals;" and

**WHEREAS**, a notice of Public Hearing was duly advertised on the 18th day of October, 2013 in The News of the Highlands and posted on the Town Clerk's sign board on the 14th day of October, 2013; and

**WHEREAS**, the Public Hearing was duly held on the 28<sup>th</sup> day of October, 2013 at 7:00 o'clock p.m., at Town Hall, 254 Main Street, Highland Falls, New York and all parties in attendance were permitted to speak on behalf or in opposition of the proposed Local Law or any part thereof; and

**WHEREAS**, the Town Board of the Town of Highlands has conducted an environmental review of the proposed adoption of the Local Law under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law ("SEQRA") and has determined that said action will not have an adverse environmental impact and, accordingly, issued a negative declaration; and

**WHEREAS**, due to the order of adoption and filing of introductory local laws by the Town Board of the Town of Highlands, upon adoption and filing with the Secretary of State said Local Law will be designated as Local Law No. 3 of 2013; and

**WHEREAS**, the Town Board of the Town of Highlands, after due deliberation finds it in the best interest of the Town to adopt said Local Law.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The Town Board of the Town of Highlands hereby adopts said Local Law #3 of the Year 2013 entitled "A Local Law Amending Section 210-43A of Chapter 210 entitled 'Zoning' of the Code of the Town of Highlands: Board of Appeals."
2. The Town Clerk is hereby directed to enter this resolution and said Local Law in the minutes of this meeting and the Local Law Book of the Town of Highlands and to give due notice of the adoption of said Local Law to the Secretary of State and to the public.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

James Stradley, Councilman	voting	<b>Aye</b>
June Gunza, Councilwoman	voting	<b>Aye</b>
Holly Gokey, Councilwoman	voting	<b>Aye</b>
William Edsall, Councilman	voting	<b>Aye</b>
Mervin R. Livsey, Supervisor	voting	<b>Aye</b>

The foregoing constitutes a true and complete copy of a resolution duly made, seconded and adopted at a meeting of the Town Board, Town of Highlands, on October 28, 2013.

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June Patterson, Town Clerk

RESOLUTION

OF

OCTOBER 28, 2013

A RESOLUTION TO AUTHORIZE  
EXPENDITURE FROM  
THE TOWN HALL REPAIR RESERVE FUND:  
WINDOW PAINTING AND REPAIRS

Council Member **Gunza** moved the following resolution which was seconded by Council Member **Edsall**.

WHEREAS, the Town Board of the Town of Highlands pursuant to Section 6-d(2) of the General Municipal Law of New York State heretofore established a capital reserve fund for the purpose of making capital repairs to Town Hall, known as the Town Hall Repair Reserve Fund; and

WHEREAS, the Town Board desires to authorize the expenditure of up to Five Thousand and 00/100 Dollars (\$5,000.00) from said capital reserve fund related to window painting and repairs at Town Hall; and

WHEREAS, a Public Hearing was duly held on the 28<sup>th</sup> day of October, 2013 at 7:10 o'clock p.m., at Town Hall, 254 Main Street, Highland Falls, New York and all parties in attendance were permitted to speak on behalf or in opposition of the proposed reserve fund expenditure; and

WHEREAS, the expenditure from said reserve fund constitutes a legislative action pertaining to routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment, and accordingly is a Type II Action under the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT RESOLVED, an expenditure not to exceed the sum of Five Thousand and 00/100 Dollars (\$50,000.00) is hereby authorized from the Town Hall Repair Reserve Fund to pay for window painting and repairs at Town Hall.

BE IT FURTHER RESOLVED, that the foregoing resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

James Stradley, Councilman	voting	<b>Aye</b>
June Gunza, Councilwoman	voting	<b>Aye</b>
Holly Gokey, Councilwoman	voting	<b>Aye</b>
William Edsall, Councilman	voting	<b>Aye</b>
Mervin R. Livsey, Supervisor	voting	<b>Aye</b>

The foregoing constitutes a true and complete copy of a resolution duly made, seconded and adopted at a Meeting of the Town Board, Town of Highlands, on October 28, 2013.

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June Patterson, Town Clerk

